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August 30, 2018

The Honorable Leonard P. Stark  
United States District Court  
For the District of Delaware  
844 North King Street  
Wilmington, DE 19801

*VIA ELECTRONIC FILING*

Re: *H. Lundbeck A/S v. Apotex Inc. et al.*, C.A. No. 18-088 (LPS) (consolidated)

Dear Chief Judge Stark:

The parties in the above-referenced matter write to request the scheduling of a discovery teleconference pursuant to Paragraph 8.m of the Scheduling Order to address disputes relating to a protective order.

Counsel for the parties held verbal meet-and-confers by telephone on August 13, 2018, August 22, 2018, and August 29, 2018. The following attorneys participated in the August 29, 2018 meet-and-confer:

For Plaintiffs:

Delaware Counsel: Megan Dellinger of Morris Nichols Arsht & Tunnell LLP  
Lead Counsel: Einar Stole and Brianne Bharkhda of Covington & Burling LLP

For Defendants Apotex Inc., Apotex Corp., and Apotex Research Private Limited (collectively, "Apotex"):

Delaware Counsel: Kenneth Dorsey at Morris James LLP  
Lead Counsel: Philip Kouyoumdjian and Ian Scott at Taft Stettinius & Hollister LLP

For Defendant Alkem Laboratories Limited ("Alkem"):

Delaware Counsel: Adam Poff of Young Conaway Stargatt & Taylor, LLP  
Lead Counsel: Daniel Ritterbeck and Stephanie Nguyen of Sterne, Kessler, Goldstein & Fox P.L.L.C.

For Defendants Lupin Limited and Lupin Pharmaceuticals, Inc. (collectively, "Lupin"):

Delaware Counsel: James Gorman of the Devlin Law Firm LLC

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Lead Counsel: Joseph Janusz of Katten Muchin Rosenman LLP

For Defendants Macleods Pharmaceuticals Limited and Macleods Pharma USA, Inc. (collectively, "Macleods"):

Lead Counsel: Christopher Sorenson of Merchant & Gould PC

For Unichem Laboratories, Limited ("Unichem"):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: Paul Braier of Greenblum & Bernstein, P.L.C.

For Defendants MSN Laboratories Private Limited, MSN Pharmaceuticals, Inc., and MSN Pharmachem Private Limited (collectively, "MSN"):

Delaware Counsel: Geoffrey Grivner of Buchanan Ingersoll & Rooney PC

Lead Counsel: Matthew Fedowitz and Mythili Markowski of Buchanan Ingersoll & Rooney PC

For Defendants Cipla Limited and Cipla USA Inc. (collectively, "Cipla"):

Lead Counsel: Aaron Eckenthal of Lerner, David, Littenberg, Krumholz & Mentlik LLP

For Defendants Princeton Pharmaceuticals Inc. and Zhejiang Huahai Pharmaceutical Co., Ltd. (collectively, "Princeton"):

Delaware Counsel: Tyler Cragg of Richards, Layton & Finger, P.A.

Lead Counsel: Gary Coad of Arent Fox LLP

For Defendants Torrent Pharmaceuticals Limited and Torrent Pharma Inc. (collectively, "Torrent"):

Lead Counsel: Alton Hare of Pillsbury Winthrop Shaw Pittman LLP

For Defendants Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Limited (collectively, "Zydus"):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: David Abramowitz and Timothy Peterson of Locke Lord LLP

For Defendants Amneal Pharmaceuticals LLC, Amneal Pharmaceuticals Pvt. Ltd., Amneal Pharmaceuticals Company GmbH, and Amneal Pharmaceuticals of New York, LLC (collectively, "Amneal");

Delaware Counsel: Samantha Wilson and Anne Gaza of Young Conaway Stargatt & Taylor, LLP

Lead Counsel: Michael Dzwonczyk of Sughrue Mion, PLLC

For Defendants Hetero USA Inc., Hetero Labs Limited, and Hetero Labs Limited Unit-V (collectively, "Hetero");

Delaware Counsel: April Kirby of Abrams & Bayliss LLP

Lead Counsel: Alexander Owczarczak of Wiley Rein LLP

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For Defendants Sandoz Inc., Sandoz AG, and Lek Pharmaceuticals d.d. (collectively, “Sandoz”):

Delaware Counsel: Aaron Nelson of Heyman Enerio Gattuso & Hirzel LLP

Lead Counsel: Laura Lydigsen, Joshua Ney, and Judy He of Brinks Gilson & Lione

For Defendant Sigmapharm Laboratories, LLC (“Sigmapharm”):

Delaware Counsel: Jack Phillips of Phillips, Goldman, McLaughlin & Hall, P.A.

Lead Counsel: Marc Wezowski of Husch Blackwell LLP

Counsel for Defendants Alembic Pharmaceuticals Limited, Alembic Global Holding S/A, and Alembic Pharmaceuticals, Inc. (collectively, “Alembic”) was unable to attend the joint telephonic meet-and-confer held on August 29, 2018 but Jesse Salen for Alembic and Brianne Bharkhda for Plaintiffs had a separate teleconference on August 29, 2018.

The disputes requiring judicial attention concern:

1. Whether the proposed Protective Order should prohibit Plaintiffs’ disclosure of information designated as “CONFIDENTIAL” by one Defendant to another Defendant absent that Defendant’s consent or if the Protective Order should allow Plaintiffs to disclose information designated as “CONFIDENTIAL” by one Defendant to outside counsel of another Defendant; and outside experts designated under the proposed Protective Order by another Defendant (¶13);
2. Whether the proposed Protective Order should include provisions for clawing back purportedly irrelevant inadvertently produced documents (¶¶29-33); and
3. Whether Lupin should be included in Paragraph 5(e) of the proposed Protective Order, providing for a non-attorney in-house designee in lieu of in-house attorney designees.

Respectfully,

*/s/ Megan E. Dellinger*

Megan E. Dellinger (#5739)

MED/bac

cc: Clerk of the Court (via hand delivery)  
All Counsel of Record (via electronic mail)